

NO. 24622

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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CORY HILE, Claimant-Appellee,

vs.

THE WESTIN MAUI and CONSOLIDATED INSURANCE ADJUSTORS,  
Employer/Insurance Carrier-Appellants.

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APPEAL FROM THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD  
(CASE NO. AB 98-590(M) (7-94-2630))

DISMISSAL OF NOTICE OF APPEAL

(By: Moon, C.J., Levinson, Nakayama,  
Ramil, and Acoba, JJ.)

Upon consideration of: (1) Westin Maui and Consolidated Insurance Adjusters' motion to dismiss Claimant Cory Hile's notice of appeal and request for sanctions; (2) the position statements filed by Cory Hile with respect to the motion to dismiss and the deputy clerk's default letter; and (3) the records and files herein, it appears that: (1) Claimant Cory Hile submitted a letter to the Labor and Industrial Relations Appeals Board that was deemed a notice of appeal and filed as a notice of appeal on October 12, 2001 and transmitted to the supreme court as a notice of appeal; (2) although Mr. Hile subsequently informed the Appeals Board that the letter was not intended to be a notice of appeal, neither the Appeals Board nor Mr. Hile took the necessary steps to withdraw Mr. Hile's notice of appeal that was pending in the supreme court or otherwise inform the supreme court that Mr. Hile was not appealing from the decision and order issued by the Appeals Board; and (3) in the position statements filed in this court on March 13, 2002 and

March 18, 2002, Mr. Hile states that he is not appealing from the Appeals Board decision and order. Therefore,

IT IS HEREBY ORDERED that the letter of Mr. Hile that was deemed a notice of appeal is dismissed.

IT IS FURTHER ORDERED that the request for sanctions is denied.

DATED: Honolulu, Hawai'i, April 9, 2002.